

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW SWAINSON,  
Petitioner,

v.

LAWRENCE MAHAILLY, et al.,  
Respondents.

CIVIL ACTION

No. 18-4434

FILED  
DEC 11 2018  
KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

ORDER

JOHN R. PADOVA, J.

AND NOW, this 11<sup>th</sup> day of December, 2018, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Petitioner Andrew Swainson's Motion for a Stay is GRANTED and his petition for a writ of habeas corpus is STAYED and held in ABEYANCE until the conclusion of Petitioner's state court proceedings.
3. Petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated and his petition will be denied without prejudice.
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

  
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JOHN R. PADOVA  
U.S. DISTRICT COURT JUDGE